

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr.,

Plaintiff,

vs.

THE REPUBLIC OF CUBA,

Defendant.

12 Civ. 1596 (AKH)

ALDO VERA, JR., as Personal Representative
of the Estate of Aldo Vera, Sr., et al.; and

JEANETTE FULLER HAUSLER, and WILLIAM FULLER as
Court-appointed co-representatives of the ESTATE OF ROBERT
OTIS FULLER, deceased, on behalf of all beneficiaries of the
Estate and the ESTATE OF ROBERT OTIS FULLER; and

ALFREDO VILLOLDO, individually, and
GUSTAVO E. VILLOLDO, individually and as Administrator,
Executor, and Personal Representative of the ESTATE OF
GUSTAVO E. VILLOLDO ARGILAGOS,

Petitioners,

vs.

BANCO BILBAO VIZCAYA ARGENTARIA (S.A.); BANK OF
AMERICA N.A.; BANK OF NEW YORK MELLON;
BARCLAY'S BANK PLC; CITIBANK N.A.; CREDIT SUISSE
AG, NEW YORK BRANCH; DEUTSCHE BANK TRUST
COMPANY AMERICAS; HSBC BANK (HSBC BANK USA,
N.A.); INTESA SANPAOLO S.P.A.; JP MORGAN CHASE
BANK, N.A.; RBS CITIZENS, N.A.; ROYAL BANK OF
CANADA; SOCIETE GENERALE; UBS AG; WELLS FARGO
BANK, NA; BROWN BROTHERS HARRIMAN & CO.;
MERCANTIL COMMERCEBANK, N.A.; STANDARD
CHARTERED BANK; AND BANCO SANTANDER, S.A.,

Respondents/Garnishees.

**ANSWER OF BANCO BILBAO VIZCAYA ARGENTARIA, S.A. TO
PETITIONERS' AMENDED OMNIBUS PETITION FOR TURNOVER ORDER**

Banco Bilbao Vizcaya Argentaria, S.A. ("BBVA"), by and through their attorneys, White & Case LLP, for their Answer to Petitioners' Amended Omnibus Petition for a Turnover Order ("Turnover Petition"), dated February 12, 2014, states as follows:

1. The allegations in Paragraph 1 state legal conclusions to which no response is required.
2. The allegations in Paragraph 2 state legal conclusions to which no response is required.
3. The allegations in Paragraph 3 state legal conclusions to which no response is required.
4. The allegations in Paragraph 4 state legal conclusions to which no response is required.
5. BBVA denies the allegations in Paragraph 5.
6. BBVA denies the allegations in Paragraph 6.
7. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7.
8. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8.
9. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.
10. BBVA admits the allegations in Paragraph 10 but denies that it maintains bank accounts in this district that are subject to the Marshal's levy.

11. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12.

13. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.

14. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.

15. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.

27. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.

28. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. BBVA admits the Republic of Cuba has been designated as a state sponsor of terrorism under section 6(j) of the Export Administration of 1979, codified at 50 U.S.C. App. 2405(j).

31. The allegations in Paragraph 31 state legal conclusions to which no response is required.

32. The allegations in Paragraph 32 state legal conclusions to which no response is required.

33. The allegations in Paragraph 33 state legal conclusions to which no response is required.

34. The allegations in Paragraph 34 state legal conclusions to which no response is required.

35. The allegations in Paragraph 35 state legal conclusions to which no response is required.

36. The allegations in Paragraph 36 state legal conclusions to which no response is required.

37. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

38. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38.

39. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39.

40. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

41. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43.

44. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44.

45. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

46. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46.

47. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47.

48. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49.

50. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50.

51. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

53. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53.

54. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54.

55. The allegations in Paragraph 55 state legal conclusions to which no response is required.

56. The allegations in Paragraph 56 state legal conclusions to which no response is required.

57. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57.

58. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.

59. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59.

60. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60.

61. BBVA denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61.

AFFIRMATIVE DEFENSES

62. The Turnover Petition fails to state a claim upon which relief can be granted or a cause of action.


63. This Court lacks subject matter jurisdiction.

64. This Court lacks personal jurisdiction over BBVA.

WHEREFORE, BBVA respectfully prays that the Court dismiss the Turnover Petition and award such other and further relief as the Court deems just and proper.

Dated: New York, New York
September 4, 2014

WHITE & CASE LLP

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Attorneys for BBVA